SECOND SCHEDULE [1].

OFFENCES REFERRED TO IN SECTION 60.

Description of offence.	Sections of the [2]Penal Code under which punishable.	XLV of 1860.
(1) Every offence described in Chapter VI of the Indian Penal Code [2].	121, 121A, 122—124, 124A, —125—130.	XLV of 1860.
(2) Causing disappearance of evidence of any offence committed, or giving false information touching it to screen the offender, when the offence committed is a capital offence, or punishable with transportation for life or imprisonment for ten years.	201	
(3) Harbouring an offender, if such offender's offence be capital, or punishable with transportation or imprisonment for ten years.	212	
(4) Taking gift, etc., to screen an offender from punishment, if such offender's offence be capital, or punishable with transportation for life or with imprisonment for ten years.	213	
(5) Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if such offender's offence be capital, or punishable with transportation for life or with imprisonment for ten years.	216	

BOMBAY ACT No. III OF 1875 [3].

[*28th December, 1875.*]

An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay.

Preamble.

WHEREAS tolls have been levied in the Presidency of Bombay in accordance with [4] Act XV of 1864 since the thirtieth day of July, 1864, but doubts have arisen whether the said Act has been formally extended to the said Presidency; and whereas it is expedient to remove the said doubts and to

[1] This Schedule was added by the Bombay Hereditary Offices Amendment Act, 1886 (Bom. Act 5 of 1886), s. 16 *infra*, p. 863.

[2] *See* reprint of the Act as modified up to 1st April, 1903.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1875, Pt. V, p. 92, and for Proceedings in Council, *see ibid.*, pp. 104 and 108.

This Act has been declared, by notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, p. 467, to be in force in the Province of Sindh—*see* Appendix to Vol. I of this Code, p. 333.

No tolls leviable under this Act are to be levied within any local area notified under the Bombay Highway Act, 1883 (Bom. Act 1 of 1883), s. 7, *infra*, p. 804.

The net proceeds of certain tolls levied under this Act are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), s. 44, *infra* p. 840.

[4] General Acts, Vol. I, p. 436.

consolidate in one Act the provisions for the levy of tolls upon public roads and bridges in the said Presidency; It is enacted as follows:—

Repeal of Act VIII of 1851.

1. [1]Act VIII of 1851 is hereby repealed in so far as it affects the [2]Presidency of Bombay.

2. [*Act XV of 1864 deemed to have been extended to Bombay Presidency from 30th July, 1864.*] *Rep. Act XVI of 1895.*

Rates of tolls to be levied.

3. The Governor in Council may cause such rates of tolls, not exceeding the rates mentioned in the schedule annexed to this Act, to be levied upon any road or bridge which has been or shall hereafter be made or repaired at the expense of the Government or from funds collected under the provisions of [3] Bombay Act III of 1869 or other funds levied under the authority and subject to the general control of Government, and may place the collection of such tolls under the management of such persons as may appear to him proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land-revenue [4] * * * * * *.

"Persons" defined.

[5] *Clause 2.*—The word "persons" in this section shall be deemed to include local boards established under the [6] Bombay Local Boards Act, 1884.

Bom. I of 1884.

Procedure in case of non-payment of tolls.

4. In case of non-payment of any such toll on demand, the officers appointed to collect the same may in the first place seize any part of the burden or load of the carriage or animal on which the toll is chargeable, of sufficient value to defray the toll, or, in the event of the burden or load being insufficient, such carriage or animal;

and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed

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[1] General Acts, Vol. I, p. 79.

[2] Notwithstanding the repeal of Act 8 of 1851 in the Presidency of Bombay, the Governor General in Council may cause such rates of toll, not exceeding the rates mentioned in the schedule annexed to that Act, as he may think fit, to be levied in respect of the Lansdowne Bridge over the Indus at Sukkur, and may place the collection of such tolls under the management of such persons as may appear to him proper: and all the provisions of that Act shall apply to such tolls and the collection and recovery thereof in the same manner as if such provisions were re-enacted *verbatim*—*see* s. 2 of the Lansdowne Bridge Act, 1892 (8 of 1892), General Acts, Vol. VI, p. 88.

As to validation of past levy or collection of tolls on the Lansdowne Bridge, *see* s. 3 of the Lansdowne Bridge Act, 1892 (8 of 1892), General Acts, Vol. VI, p. 88.

[3] *Supra*, p. 492.

[4] The words "until such rates of tolls shall be fixed by the Governor in Council, the tolls now levied shall continue to be levied by persons under whose management the same are now collected, who shall be held to have been appointed under the provisions of this Act," were repealed by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 223.

[5] This clause was substituted by s. 77 of the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884) which, however, does not extend to Aden or the City of Bombay. For that Act, *see infra*, p. 840.

The original clause was as follows:—

"The word 'persons' in this section shall include Local Fund Committees established under Bombay Act III of 1869."

[6] *Infra* p. 840.

to superintend the collection of the said toll, who may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned on demand to the owner of the property ; and the said officer on receipt of the property shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction:

Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

Exemptions from toll.

5. No tolls shall be paid for the passage [1] * * * * * * of Police-officers on duty, or of any person or property in their custody. And it shall further be lawful for His Excellency the Governor in Council, by [2] notification in the Government Gazette, to grant and define other exemptions from payment of the tolls levied under this Act.

Government may grant other exemptions.

Police-officers bound to assist toll-collectors.

6. All Police-officers shall be bound to assist the toll-collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

Penalty on unauthorized person demanding tolls, and for illegal demand.

7. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bázár situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment [3] * * * for any term not exceeding six * [3] months, or to fine not exceeding rupees two hundred, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the district.

Table of tolls to be put up at gate or station

8. A table of the tolls authorized to be taken at any toll-gate or station, legibly written or printed in English words and figures, and also in those of the vernacular language of the district, to which shall be annexed, written or

[1] The words "of troops and military stores and equipages on their march, or" were repealed by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901), General Acts, Vol. VII, p 142.

[2] For such notifications, *see* Bombay Government Gazette, 1897, Pt. I, p 1119; *ibid*, 1898, p. 7; *ibid*, 1901, p. 1025; *ibid*, 1902, p. 2121; *ibid*, 1903, pp. 997 and 1506, and *ibid*, 1904, p. 743.

[3] The words "of either description" and the word "Calendar" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll, shall be furnished by Government to the collector of tolls, and the same shall by him be kept in a conspicuous place near such gate or station.

Collectors of tolls may compound for tolls.

9. Any person entrusted with the management of the collection of tolls under this Act may in his discretion compound for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of tolls specified in the schedule to this Act.

Power of Government to lease the levy of tolls.

[1] **10.** It shall be lawful for the Government to lease the levy of tolls at such rates not exceeding the rates mentioned in the schedule annexed to this Act upon any public road or bridge by public auction or private contract from year to year or for a longer period not exceeding seven years on such terms and conditions as the Government may deem desirable :

Provided that the lessee shall give security for the due fulfilment of such conditions, and that all sums payable under the terms and conditions of the lease shall be recoverable as a demand for the land-revenue under the law for the time being in force so far as applicable.

Acts of lessee or his agent.

[1] **11.** When the tolls on any public road have been duly leased, the lessee, and every person employed by the lessee as his agent for collecting the tolls, shall be deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect tolls under this Act.

[2] **12.** [*Application of tolls.*] *Rep. Bom. Act I of 1884.*

SCHEDULE.

	Rs.	A.	P.
On every four-wheeled carriage on springs	1	0	0
On every two-wheeled carriage on springs	0	8	0
On every ekka or hackery on springs	0	2	0

[1] Ss. 10 and 11 were inserted by s. 2 of the Bombay Tolls Amendment Act, 1881 (Bom. Act 5 of 1881), *infra*, p. 798.

[2] S. 12 which is repealed by s. 2 and schedule, to the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884), *infra*, p. 861, except in Aden and the City of Bombay, is as follows :—

"The nett proceeds of the tolls and leases of tolls under this Act shall be applied wholly to the construction, repair and maintenance of roads and bridges within the Presidency of Bombay :

Provided that the nett proceeds of tolls and leases of tolls on roads or bridges constructed by or belonging to any local fund committee shall be applied to the construction and maintenance of roads or bridges in the district under the superintendence of such local fund committee."

SCHEDULE—*contd.*

	Rs.	A.	P.
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
Ditto, if not laden	0	8	0
On every cart and hackery not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	12	0
Ditto, if not laden	0	6	0
On every cart and hackery not on springs drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
Ditto, if not laden	0	4	0
On every cart and hackery not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
Ditto, if not laden	0	2	0
Buffaloes, or bullocks, per head, if laden	0	1	0
Ditto ditto if not laden	0	0	6
On every elephant	1	8	0
On every camel, if laden	0	4	0
Ditto, if not laden	0	2	0
On every horse, if laden or ridden	0	1	6
Ditto, unladen or led	0	0	9
On every pony or mule, if laden or ridden	0	0	9
Ditto, unladen or led	0	0	6
On every ass, if laden or ridden	0	0	6
Ditto, unladen or led	0	0	3
On every sheep or goat or pig	0	0	1
On every palankin, duli, palna or tonjon, with 8 bearers	1	0	0
Ditto ditto ditto with 6 bearers	0	12	0
Ditto ditto ditto with 4 bearers	0	8	0
On every foot-passenger with the special sanction of Government on bridges or hill roads	0	0	3

Explanation I.—Animals drawing any vehicle for which toll can be demanded are not to be also charged with toll.

Explanation II.—No second toll shall be levied on the same carriage or animal returning on the same day.